

Foreign National List and Controlled Technology Inventory

Internal Updating Requirements:

The Foreign National (FN) List and Controlled Technology Inventory should be updated at the facility level as new FN guests enter facilities and as new technology is acquired or developed. The FN list requires that your facility point of contact assess whether the FN will have access to controlled technology. Thus, this assessment should be completed prior to entrance to the facility by an FN.

Reporting Requirements to CAO:

Updated versions of the FN list and controlled technology inventory list should be submitted quarterly, by the third week in the quarter, to the CAO office: Friday, April 21, 2006; Friday, July 21, 2006; and Friday, October 20, 2006. Individual Line Office and Corporate Offices deadlines may differ. Send to Scott Swafford (scott.swafford@noaa.gov), Ann Murphy (Ann.Murphy@noaa.gov), Hugh Schratwieser (Hugh.c.Schratwieser@noaa.gov), Melanie Caesar (Melanie.Caesar@noaa.gov)

New Consolidated Reporting Instructions

Who is listed?

Please list foreign national guests on your spreadsheet. As foreign national guests leave the facility, shade the entry in grey to denote that these individuals are no longer at your facility. Do not delete these individuals from your FN sheet until after the LO submits its list to the CAO the end of the fiscal year in October. The FN list will be your record of FN guests who have come to your facility, who have left, and who are still present for the fiscal year. At the start of the new fiscal year, individuals who have been shaded grey can be removed from the FN list. The 2007 FN list would start off with FN guests who are present at facilities or logically accessing NOAA infrastructure.

Foreign Nationals List

Please review and follow the guidelines listed below for completing your Foreign National list to maintain consistency in your record keeping and to assist the OCAO in compiling accurate records. The “country of birth” and “Country Group” columns have been deleted from the revised Foreign National List spreadsheet.

General Trouble Shooting

- 1) Do not list US citizens and permanent residents, protected persons, and US citizens (regardless of their dual citizenship). The deemed export rule does not apply to US citizens, permanent residents (issued a permanent resident visa), or “protected persons” granted status under 8 U.S.C. 1324b(a)(3) (e.g., those with formal refugee or asylum status). If you see “US” listed in the permanent residency or citizenship column for an entry, contact the person who placed the name on the FN List to advise them that these individuals should not be included in the deemed exports FN list.
- 2) Is the home country field filled out correctly? For individuals who are citizens of more than one foreign country, or have citizenship in one foreign country and permanent

residence in another, the general policy is that the last permanent resident status or citizenship obtained governs the home country designation. For example, if an individual gained permanent residency in Canada after acquiring citizenship in India, the home country designation is Canada. For more examples, please refer to the BIS website, <http://www.bis.doc.gov/deemedexports/deemedexportsfaqs.html#5> section: Foreign Nationals.

3) How to list Country Names:

The FN list now uses a drop down menu to ensure that individuals correctly identify FN in the permanent residency, country of citizenship, and home country columns. Please select a country from these drop-down menus. Do not copy and paste old information into these columns. The OCAO has amended your original entries to ensure that NOAA is consistently using the same standard names for countries. Please do not use your original entries; rather, use the drop down list to select the country of permanent residency and citizenship for new entries.

Also note: North Korea= Democratic People's Republic of Korea
 South Korea = Republic of Korea

4) Are all of the codes filled out? It is critical that the sponsor's name and contact information, denied entities, controlled entities, license required, FN name, home country, and ECCN codes are filled in. All fields should be completed; however, the above mentioned fields are most critical.

Is a license required? The individual completing the form must document that an assessment of controlled technology has been completed taking into account the scope of the FNs work and access to technology he or she may require. There should be a "yes" or "no" listed in this field.

Is the FN on the denied entities/persons list? The individual completing the form must check the denied entities and persons list to verify that the FN is not on these denial lists. Please refer to website.

<http://www.bis.doc.gov/ComplianceAndEnforcement/ListsToCheck.htm>. There should be a "yes" or "no" listed in this field. If there is a "yes", this FN is prohibited from accessing all technology subject to the EAR

5) Description of Work: Please write a very brief description. Ex. Maintain, enhance, and transition numerical weather and climate prediction models

6) New Column "Total Count" (column E) Please place a one in this column. This column is used for CAO internal record keeping.

Other Reminders:

15 CFR § 730-774, Export Administration Regulations (EAR), controls many more technologies for an individual from North Korea, Libya, Sudan, Syria, Cuba, and Iran than other Foreign Nationals. Some facilities may choose to prohibit entrance by default

to FN from these countries rather than control access to all of the technologies that would require a license to access, unless required for Agency mission completion. It is often difficult for individuals from these countries to gain a visa unless they are a protected person; thus it is important to ensure that you have correctly determined whether someone is a protected person or if they have permanent residency or citizenship in another country.

Controlled Technology Inventory

Please review and follow the guidelines listed below to maintain consistency in your record keeping and to assist the OCAO in compiling accurate records.

- 1) You do not need to list EAR 99 technology on your controlled technology inventory; however, all facilities need to be aware that there are deemed export licensing implications for release of EAR99 technology to a Cuban foreign national.
- 2) Please list the ECCN for the software (D) or technology (E) for the controlled equipment at your facility. The second letter in the ECCN should be a Product Group D (software) or Product Group E (technology). Export control regulations may differ if you plan to physically ship the item to another country. If it assists your record keeping, you may list the ECCN for the Product Group A (equipment) in parentheses after the ECCN for the Product Group D or Product Group E. Remember that some items are controlled for shipment, but have associated technology that is publicly available. If you choose to list publicly available technology on your spreadsheet, please list NLRT (No License Required for Technology) followed by the ECCN for Product Group A in parentheses. The NOAA controlled technology inventory **manages the risk for the release of controlled technology to a foreign national in the US.** You are responsible for checking the EAR to determine if rules apply to ship items to other countries.
- 3) Controlled technology may be regulated for development, production, or use. If the only technology you have associated with an item is publicly available, you do not need to list the technology on your excel sheet. Publicly available technology is not subject to 15 CFR § 730-774, EAR, regulations. Technology is considered publicly available if it is published or will be published, arises during or results from fundamental research, or is educational information.

Additional Assistance

For assistance with NOAA's deemed exports policy or procedural requirements, please contact the Line Office/Corporate Office Deemed Exports Steering Committee Representative (see attached list), or the Office of the Chief Administrative Officer and NOAA General Counsel Deemed Exports Team: Ann Murphy, ann.murphy@noaa.gov; Melanie Caesar, Melanie.caesar@noaa.gov; Hugh Schratwieser, Hugh.C.schratwieser@noaa.gov; and Scott Jordan at scott.jordan@noaa.gov. For specific questions related to commodity classification or identifying whether an item is subject to the Export Administration Regulations, 15 CFR § 730-774, contact Todd Willis, twillis@bis.doc.gov or Alex Lopes, alopes@bis.doc.gov, at the Bureau of Industry and Security (BIS) or use the BIS online request system at <http://snap.bis.doc.gov/>.